

REMARKS

The examiner has required an election of species.

The applicant elects Species I with traverse.

The applicant believes that Species I includes claims 1, 2, 3, 5, and 7 because claims 5, and 7 further restrict the claims in 1, 2, and 3 by adding elements to the base existing in the previous claims and therefore would be in the same class and subclass as the previous claims and not in a different species.

The examiner rejected claims 1-3 as being anticipated by Sorkin.

The applicant has amended the claims to distinguish the invention over Sorkin.

The claims have now added more detail of the U shaped base which cradles the rebar so it can't move and the arms which have a bottom portion for engaging the top of the rebar in the cradle so that the rebar can't push the arms aside and jump out of the cradle and the clip. These features are not shown in the prior art. Sorkin does not have the cradle feature for the rebar and the arms do not prevent the rebar from being removed as the arms can be pushed aside by the rebar and the rebar removed from the clip. The arms in Sorkin do not end above the rebar but extend on the sides of the rebar.

The amended claims now have elements not found in the prior art and the claims as amended are believed to be allowable.

Since claim 1 as amended appears to be allowable and it is a generic claim all the claims in the application are believed to be allowable.